REMARKS

This communication is a full and timely response to the final Office Action dated January 26, 2009. Claims 1-11 and 13-16 are pending, where claim 12 was previously canceled. By this communication, claims 1, 4, 8, 10, and 11 are amended and claim 16 is added. Support for the amended subject matter can be found, for example, at page 12, line 15 through page 13, line 21.

Examiner's Interview

Applicant appreciates the granting of the Interview after-final by Examiner Torres. During the interview, Applicant's representative and Examiner Torres discussed the applied art and the claims in an effort to identify distinctions between the two. The substance of this communication is a result of this discussion.

Rejections Under 35 U.S.C. §103

Claims 1-15 stand rejected under 35 U.S.C. §103 for alleged unpatentability over *Aura* (US 6373949) in view of *Labaton* (US 2006/0005028). Applicant respectfully traverses this rejection.

As provided in Applicant's disclosure, an exemplary embodiment for identifying a user terminal at a server is described. During an authentication process, a random number and a public key are applied to an asymmetrical algorithm (AA) to produce an encrypted random number. At the same time, the random number and a user identifier are provided to the symmetrical algorithm, which produces an encrypted identifier. The encrypted random number and the encrypted identifier are linked together to produce an anonymous identifier.

To determine the identity of the user at a server, the anonymous identifier is received, and the server applies the data received in the anonymous identifier to both the asymmetrical and symmetrical algorithms to acquire the identity of the user.

Applicant's claims broadly encompass the foregoing features. Independent claim 1 is a representative claim and recites the following:

> A process to identify a user terminal resource or a user of the terminal resource by a server resource in a telecommunication network, using a first identifier, where an asymmetrical algorithm with public key and a symmetric algorithm are implemented in the terminal resource, comprising the following steps:
>
> generating a random number in the user terminal resource,
>
> determining in the terminal resource a second identifier as a function of the random number, at least from part of the first identifier and from the result of executing the asymmetrical algorithm and the symmetrical algorithm, wherein at least the random number is applied to both algorithms,
>
> transmitting the second identifier to the server resource, and
>
> in the server resource, retrieving the first identifier at least by executing the asymmetrical algorithm to which a private key and, at least partially, the second identifier are applied, so that the server resource verifies that the first retrieved identifier is written into a memory of the server resource.

The combination of *Aura* and *Labaton* fail to disclose the features recited in Applicant's claim 1.

In the Office Action, the PTO concedes that *Aura* fails to disclose or suggest the use of an asymmetrical algorithm and relies on *Labaton* in an effort to remedy this deficiency. *Aura*, however, does not disclose a method and/or system in which both an asymmetrical algorithm and a symmetric algorithm are implemented at a user's device to encrypt a user identification. Rather, and as acknowledged in the Office Action, *Aura* discloses the use of a symmetrical algorithm to encrypt a user identity.

Labaton is applied for an alleged teaching of using an asymmetric algorithm. *Labaton*, however, does not also disclose the use of a symmetric algorithm in parallel with the asymmetric algorithm, as recited in the claims. For at least this reason, the combination of *Aura* and *Labaton* do not render Applicant's claims as obvious.

The Office has the initial burden of establishing a **factual basis** to support the legal conclusion of obviousness. In re Oetiker, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992). For rejections under 35 U.S.C. § 103(a) based upon a combination of prior art elements, in KSR Int'l v. Teleflex Inc., 127 S.Ct. 1727, 1741, 82 USPQ2d 1385, 1396 (2007), the Supreme Court stated that "a patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art." "Rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some **articulated reasoning with some rational underpinning** to support the legal conclusion of obviousness." In re Kahn, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006) (emphasis added).

Aura and *Labaton* when applied individually or collectively fail to disclose or suggest every element recited in Applicant's claims and thus do not support a legal conclusion of obviousness. For at least the foregoing reasons, withdrawal of this rejection is respectfully requested.

Newly Added Claim

New claim 16 depends from claim 1. By virtue of this dependency, Applicant respectfully submits that claim 16 is allowable for at least the same reasons discussed above with regard to claim 1. Claim 16 is further distinguishable over the

prior art of record because of the additional features recited therein. Favorable consideration of this claim is respectfully requested.

Conclusion

Based on the foregoing amendment and remarks, Applicant respectfully submits that claims 1-11 and 13-16 are allowable and this application is in condition for allowance. Favorable examination and consideration of this application are respectfully requested. In the event any unresolved issues remain, the Examiner is invited to contact Applicant's representative identified below.

Respectfully submitted,

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